

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UDE ONUOHA

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

23-cv-7489 (LJL)
ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

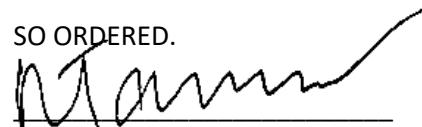
On April 8, 2024, I issued an order scheduling a second settlement conference in this personal injury action for May 7, 2024, with updated ex parte submissions due by April 30, 2024. (See ECF 16.) Plaintiff did not make his required ex parte submission. Instead, around 5:00 PM on April 30, Plaintiff's counsel, Gary Rawlins, filed a letter-motion to adjourn the settlement conference sine die because "the plaintiff is scheduled for surgery to repair the torn tendons in his ankle."

Filing the letter-motion to adjourn did not relieve Mr. Rawlins of the obligation to make Plaintiff's ex parte submission, and so the failure to make that submission is a violation of an order of this Court. Additionally, Mr. Rawlins has not explained why he could not have requested an adjournment sooner than after-hours on the day the ex parte submissions were due; as a result of Mr. Rawlins' delay, Defendants prepared and submitted their ex parte submission. And Mr. Rawlins fails to explain why he needs an adjournment sine die, as opposed to until a specific future date. Mr. Rawlins is ORDERED, **by 5:00 PM on Friday, May 3, 2024** to make the required ex parte settlement submission for Plaintiff as well as to file on the docket a letter providing the explanations that the letter-motion to adjourn failed to include (why an adjournment was not requested sooner and why the adjournment should be sine die). After I have reviewed those submissions, I will determine whether the settlement conference shall proceed as scheduled on May 7, 2024.

Absent an order adjourning the scheduled settlement conference, the parties and their counsel are expected to attend the settlement conference, which will be held on Zoom.

I note that this is not the first time I have had to address Mr. Rawlins' violation of a scheduling order. I previously issued an order sanctioning Mr. Rawlins for failing to appear at a settlement conference scheduled for March 14, 2024 without informing the Court or opposing counsel in advance that he would not be there. (See ECF 14.) While I later vacated the sanctions order in response to Mr. Rawlins' reconsideration request (ECF 17), I explained that no showing of bad faith is required to impose sanctions under Rule 16(f)(1) and warned that I expected full compliance with all future orders. (See ECF 21.) I reiterate my warning to Mr. Rawlins that he needs to comply fully with all future orders, on pain of sanctions.

DATED: May 1, 2024
New York, NY

SO ORDERED.

ROBYN F. TARNOFSKY
United States Magistrate Judge